

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

**SPECIAL CITY COUNCIL MEETING
COUNCIL CHAMBERS
MARCH 29, 2004
9:00 A.M.**

The City Council met at the above place and date at approximately 9:08 a.m. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, and Anthony Cobos. Absent: Paul J. Escobar. Late arrival: Vivian Rojas at 9:21 a.m.

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AGENDA

1. Presentation of the Plaza Theatre & Performing Arts Centre Project, including Project highlights, Project progress to-date, pending tasks and timeliness, grants and donations received, and Project funding issues.
2. Discussion and Action on a Resolution authorizing the Mayor to sign the First Amendment to Agreement by and between the City of El Paso, the El Paso Community Foundation and PT Annex, LLC.
3. Discussion and Action on a Resolution authorizing the Mayor to sign the First Amendment to Agreement for Architectural Services between the City of El Paso and Martinez/Johnson Architecture, P.C.
4. Discussion and Action on a Resolution authorizing the Mayor to sign the Escrow Agreement by and between the City of El Paso, the El Paso Community Foundation and JP Morgan Chase Bank.
5. Discussion and Action on a Resolution authorizing the City of El Paso to accept the donation of the property commonly known as the Centre Annex from the El Paso Community Foundation.
6. Discussion and Action on a Resolution authorizing the Mayor to sign the Deed Covenants required by the Texas Historical Commission.
7. Discussion and Action on a Resolution authorizing the Mayor to sign the Organ Lease by and between the City of El Paso and the El Paso Community Foundation to permit the use of the Mighty Wurlitzer organ in the Theatre for a term of 50 years at a total rental rate of \$50.00.

8. Discussion and Action on a Resolution authorizing the City of El Paso to accept the donation of the in-kind contributions of various public utilities that have to relocate lines in order to permit the expansion of the Theatre stage house.
9. Discussion and Action on a Resolution authorizing the City of El Paso to accept the donation of \$12,797 from the Downtown Management District for traffic control installations within Main Drive to support the Theatre expansion.
10. The City Council of the City of El Paso will retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.)

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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Mr. Richard H. Feuille, Chairman of the Board of the El Paso Community Foundation, made introductory comments and recognized Ms. Sharon Kidd for her tremendous time, energy and money spent serving as Chairman of the Steering Committee for the Plaza Theatre.

Mr. Russell Hill, attorney for the El Paso Community Foundation with respect to the Plaza Theatre Performing Arts Center project, gave a Powerpoint presentation (on file in the City Clerk's office) and elaborated on the statement of purpose and timing sequence for the project. He highlighted the economic impact report prepared by DSG Consultants and answered questions from and responded to comments made by the Council Members.

Representatives Power, Rojas, Lozano, Cobos, and Cushing asked questions of Mr. Hill.

Mr. Nestor Valencia, Vice President of Planning for the El Paso Community Foundation, continued the Powerpoint presentation on the history of the Plaza Theatre and made remarks regarding the anticipated impact of the project on downtown El Paso.

The following individual spoke in opposition:

Mr. Albert Jefferson, member of the public, opposed the use of additional taxpayer monies for the restoration of the Plaza Theatre and urged the Council to pass an ordinance stating that no additional City funds would be utilized for the project.

Representative Power asked the Legal Department whether or not the City could impose a funding cap on the Plaza Theatre restoration project.

Ms. Sylvia Borunda-Firth, Assistant City Attorney, provided legal advice.

The following individuals spoke in favor:

Mr. Carlos Rincon, Environmental Defense, praised the restoration project as a model for other border cities and applauded the leadership of the El Paso Community Foundation.

Mr. Ed Anderson, Associated General Contractors (Diversified Industries), commented on the anticipated economic boon the Plaza Theatre would have and the positive impact on the construction industry.

Mr. Joe Gomez, Executive Director of Associated General Contractors, urged immediate passage of the Plaza Theatre restoration project so that construction could begin. Representative Cobos asked questions of Mr. Gomez.

Mr. Ed Anderson, Diversified Interiors, commented on funding for the Plaza Theatre and the positive impact of the restoration project on the construction industry.

Mr. Sal Gomez, citizen, spoke of fond memories he had of the Plaza Theatre and spoke in favor of the restoration project for future generations. He praised the El Paso Community Foundation's efforts.

Mr. Richard Schecter, citizen, spoke in support of the restoration project; however, he urged that individuals/groups utilizing the Plaza Theatre pay for the use of the facility.

Ms. Phyllis Rowley, El Paso Empowerment Zone, clarified funding provided by the El Paso Empowerment Zone for workforce training.

Mr. Guillermo Glenn, Border Workers Association, questioned using City monies for the Plaza Theatre restoration and whether there would be funding for a Bilingual Workforce Development Center. He answered questions from and responded to comments made by the Council Members. Representative Rojas invited Mr. Glenn to meet with her to discuss his concerns.

Ms. Maria del Carmen Jimenez, Media Copy Committee, spoke on the need for training and jobs for Spanish speaking individuals and commented on the availability of City monies for the Plaza Theatre restoration project. She stated that she would like the City to locate monies for individuals for work.

The following City staff members spoke and responded to Council Members questions:

Ms. Patricia Adatao, Deputy CAO for Building and Planning Services, gave a Powerpoint presentation (on file in the City Clerk's Office) enumerating the chronological history of events with respect to the project's development since July 30, 2002 and highlighted the project's budget since inception, including all participating entities. Ms. Adatao explained that all participants in the restoration project agreed that scaling back would not be prudent.

Representatives Cushing and Lozano asked questions of Ms. Adatao.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, discussed funding options.

Mayor Joe Wardy commented on the use of bridge revenues and 40-year bonds for the Plaza Theatre restoration project. Representatives Austin, Cobos and Lozano asked questions of Mr. Chapman.

Ms. Sylvia Borunda-Firth, Assistant City Attorney, provided legal advice. Representatives Austin, Cushing and Rojas asked questions of Ms. Borunda-Firth.

Mr. Byron Johnson, Director of Purchasing, explained that all change orders, over \$25,000, would require City Council action. Representative Austin asked questions of Mr. Johnson.

Representative Cook commented on the City of San Antonio's successful economic development visions and gave his strong support for the Plaza Theatre restoration project as a legacy for his grandchildren.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the First Amendment to Agreement by and between the City of El Paso, El Paso Community Foundation, El Paso Plaza Theatre Corporation, and PT Annex, LLC dated July 30, 2002, concerning the development, improvement and renovation of the Plaza Theatre Performing Arts Centre.

Representative Cobos moved to approve. There was no second.

Ms. Richarda Duffy Momsen, City Clerk, questioned the voting order of the Resolution and the amendment to the Resolution.

Ms. Lisa A. Elizondo, City Attorney, provided legal advice.

Ms. Sylvia Borunda-Firth, Assistant City Attorney, asked the Council to direct the Legal Department to amend the Resolution language to include the \$17,845,228 cap, further suggesting amending the agenda item to read as follows and answered questions from and responded to comments made by the Council Members Austin and Lozano.

Motion made by Representative Power, seconded by Representative Cook and carried to amend the Resolution as follows: "Discussion and action authorizing the Mayor to sign the First Amendment to Agreement by and between the City and the Community Foundation limiting the City's contribution to the project to \$17,845,228.00."

AYES: Representatives Cook, Power, Rojas and Cobos
NAYS: Representatives Austin, Cushing and Lozano
NOT PRESENT: Representative Escobar

Motion made by Representative Cobos, seconded by Representative Cook and carried to approve the Resolution as amended.

AYES: Representatives Austin, Lozano, Cook, Power, Rojas, and Cobos
NAYS: Representative Cushing
NOT PRESENT: Representative Escobar

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the First Amendment to Agreement for Architectural Services by and between the City of El Paso and Martinez & Johnson/Architecture, P.C. regarding the Plaza Theatre Performing Arts Centre.

Motion made by Representative Power, seconded by Representative Cook and carried to approve the above Resolution.

NAY: Representative Cushing

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Escrow Agreement by and between the City of El Paso, the El Paso Community Foundation, the El Paso Plaza Theatre Corporation, PT Annex, LLC, and JP Morgan Chase Bank as the third-party escrow agent for the purpose of holding, investing and disbursing funds of the Additional Money Grant for the Plaza Theatre Performing Arts Centre renovations.

Motion made by Representative Power, seconded by Representative Cook and carried to approve the above Resolution.

NAY: Representative Cushing

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso accepts the donation of the property commonly known as the Centre Annex and municipally known and numbered as 127 Pioneer Plaza, El Paso, Texas, and more fully described on Exhibit "A" attached hereto and incorporated herein by reference.
(Exhibit on file with this Resolution in the City Clerk's Office).

Motion made by Representative Power, seconded by Representative Cook and carried to approve the above Resolution.

NAY: Representative Cushing

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and the City Clerk to file Deed Covenants against the real property municipally known and numbered as 125 Pioneer Plaza as required by the Texas Historical Commission as a condition for receipt of Texas Preservation Trust Fund Grant Assistance for the Plaza Theatre Performing Arts Centre.

Motion made by Representative Power, seconded by Representative Cook and carried to approve the above Resolution.

NAY: Representative Cushing

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Organ Lease by and between the City of El Paso and the El Paso Community Foundation to permit the use of the Mighty Wurlitzer organ in the Plaza Theatre for a term of 50 years at a total rental rate of \$50.00.

Motion made by Representative Power, seconded by Representative Cook and carried to approve the above Resolution.

NAY: Representative Cushing

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RESOLUTION

WHEREAS, the City of El Paso and the El Paso Community Foundation have formed a public/private partnership to restore the historic Plaza Theatre and create a Performing Arts Center for the use and benefit of the citizens of El Paso;

WHEREAS, the total project cost for the restoration and expansion of the Performing Arts Center shall exceed \$30,000,000.00 which will be funded by the City of El Paso, the El Paso Community Foundation and grants from the Texas Historical Commission, the National Trust for Historic Preservation, the El Paso Empowerment Zone, HUD and EDI appropriations;

WHEREAS, in order to expand the stage house to accommodate live performances, it is necessary to vacate a portion of Main Street and relocate the utilities currently located in the area; and

WHEREAS, in recognition of the historic significance of the Plaza Theatre Project and the value of the project as an economic development catalyst in downtown El Paso, several utility companies have agreed to relocate the utilities at no cost to the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That, on behalf of the citizens of the City of El Paso, the Mayor and City Council accepts the of in-kind services from the entities listed below and expresses appreciation for the valuable contribution made by these entities to the City of El Paso:

<u>UTILITY COMPANY</u>	<u>COST OF RELOCATION</u>
Texas Gas Service	\$ 18,081.00
SBC	\$ 70,850.00
El Paso Water Utilities	\$ 40,852.00
Time Warner Cable	\$ 23,305.00
El Paso Electric Company	\$ 44,045.00
Total	\$197,133.00

Mr. Arbuckle, citizen, expressed his enthusiasm for the project.

Motion made by Representative Power, seconded by Representative Cook and carried to approve the above Resolution.

NAY: Representative Cushing

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RESOLUTION

WHEREAS, the City of El Paso and the El Paso Community Foundation have formed a public/private partnership to restore the historic Plaza Theatre and create a Performing Arts Center for the use and benefit of the citizens of El Paso;

WHEREAS, the total project cost for the restoration and expansion of the Performing Arts Center shall exceed \$30,000,000.00 which will be funded by the City of El Paso, the El Paso Community Foundation and grants from the Texas Historical Commission, the National Trust for Historic Preservation, the El Paso Empowerment Zone, HUD and EDI appropriations;

WHEREAS, in order to expand the stage house to accommodate live performances, it is necessary to vacate a portion of Main Street and relocate the utilities currently located in the area; and

WHEREAS, in recognition of the historic significance of the Plaza Theatre Project and the value of the project as an economic development catalyst in downtown El Paso, the Downtown Management District agreed to make a donation to defer the cost of traffic signals.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That, on behalf of the citizens of the City of El Paso, the Mayor and City Council accepts a donation in the amount of \$12,797.00 from the Downtown Management District that shall be used to pay for traffic signalization on Main Street.

Mr. Michael E. Breiting, Executive Director, El Paso Central Business Association and El Paso Downtown Management District, expressed his eagerness to work with all entities on the project.


Mayor Joe Wardy thanked the Downtown Management District for their assistance.

Motion made by Representative Power, seconded by Representative Cook and carried to approve the above Resolution.

NAY: Representative Cushing
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Motion made by Representative Cook, seconded by Representative Power and unanimously carried to adjourn this meeting at 11:44 a.m.
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APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk